

Patent Application Serial No. 10/584,999

REMARKS

The Examiner is thanked for the interview of January 7, 2010.

The amendment to claims 1 and 4 is based on paragraph [0045] at page 10, line 23, which states that "The release pipe 51 of the relief valve 50 *is heated by radiant heat* from the fuel cell box 39 since the release pipe 51 is provided in a space between the fuel cell box 39 and the frame member 26 of the sub-frame 22. In addition, the release pipe 51 *is heated by the exhaust air* when the exhaust air is exhausted from the exhaust outlets 170 and 170."

New dependent claim 6 is based on Fig. 5(b), which shows the release outlet 52 being both above a center line of the hydrogen tank (which is a feature that is already claimed) and also slightly below the exhaust outlet 170.

New dependent claim 7, depending from claim 6, is based on page 10, line 8, reading, "the ventilation air also circulates as if weaving through spaces on the upper and lower sides of the fuel cell stack 38 as indicated by a dashed arrow B in FIG. 5(b)" and "the exhaust air from the exhaust outlets 170 and 170 flows toward the upper side of the hydrogen tanks 29 and 30. Therefore, a space between the hydrogen tanks 29 and 30 and the rear floor 2, where hydrogen is apt to be retained, is also ventilated."

New dependent claim 8 is based on the specification at page 9, lines 15-17.

Claims 1-5 are rejected under 35 U.S.C. §103(a) as being obvious over Guidry et al., US 7,108,091. This rejection is respectfully traversed on the grounds of record, the present amendments, and the remarks below.

The Examiner stated on page 3 of the Action that Applicants' arguments are not persuasive because "in a vicinity" is given no weight. However, the "vicinity" is now more explicitly recited.

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The Examiner gives no weight to claims 3 and 5 based on an assertion (see page 3, line 6) that the axis is indefinite because "the claim does not specify which center line of the tanks, lateral, longitudinal, etc." This argument is respectfully traversed for the record, on the basis that there is only a single center point for the Applicants' tank and therefore all of the center axes ("lines") have the same elevation. It is noted that this is would be true for other tanks, because hydrogen is under pressure and therefore spherical and/or cylindrical shells are used.

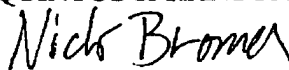
However, claims 3 and 5 are now amended to recite "a higher position than a horizontal center axis of the hydrogen tank" and the Examiner indicated that the claims should now carry weight.

The asserted subframe is referred to by Guidry as a "base seats 26" and no indication that 26 is a sub-frame is seen in the reference.

In view of the aforementioned amendments and accompanying remarks, the application is submitted to be in condition for allowance, which action is requested.

Respectfully submitted,

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